IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1174 OF 2004

The State of Maharashtra ..Appellant

V/s.

Sakharam Bhika Kalekar & Ors. ..Respondents

Mr.S.S.Pednekar APP for Appellant/State.

Coram : R.S.Mohite,J

Date :10th January, 2006.

PC

1. This is an appeal filed by the State impugning a Judgment and order passed by the JMFC, Khed, on 30.6.2004 acquitting the accused for the offences punishable under Sections 447, 379 r/w 34 of IPC. On perusal of the impugned judgment it is seen that the same is passed on cogent and acceptable reasons. The prosecution case was that the accused cut and theft the standing crop of the complainant from gut no.3351. The accused admitted that he has taken the crop but the gut no.3351 did not belong to the complainant but belonged to one Vyas brothers and he had cultivated the crop of Vyas brothers. There was no evidence to indicate that the land in question was belonging to complainant. No case is made out for interference. Leave refused and consequently appeal stands dismissed.

(R.S.Mohite,J)